

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday July 1, 1999

DIVISION TWO

A087236 -- California School of Professional Psychology v. The Superior Court of Alameda County; John Doe, R.P.I.

By the Court: Real party having notified this court that the underlying action is being dismissed, the petition for writ of mandate is dismissed as moot. Kline, P.J.

DIVISION THREE

A086659 -- Carl J. v. The Superior Court of Sonoma County; Sonoma County Human Services Department, R.P.I.

The petition for extraordinary relief is denied on the merits. (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 893-895 [written opinion on petition for extraordinary relief precludes further challenge to orders by petitioner in any subsequent appeal].) Because the section 366.26. hearing is set for July 28, 1999, our opinion is final as to this court forthwith. (Cal. Rules of Court, rule 24(d).) McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

A080958 -- The People v. Earl Brazell.

The judgment is affirmed. Hanlon, P.J. We Concur: Poché, J., Reardon, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION THREE

Thursday, July 1, 1999

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: McGuiness, J., Parrilli, J., and I. Calanoc, Deputy Clerk.

- A081525 Franklin S. Chadwick, et al.,
 v.
 Loretta Caughran, et al.
Each counsel confirmed waiving Justice Walker's presence. Cause called and argued by Paul Frederick Bennett, counsel for appellants, and Steven Jeffrey Mehlman, counsel for respondents. Cause ordered submitted.
- A084571 Adreanen Darby, et al.,
 v.
 The Foster Family Home and
 Small Family Home Insurance Fund.
Each counsel confirmed waiving Justice Walker's presence. Cause called and argued by Jason Kendall Singleton, counsel for appellants, and Deputy Attorney General Winifred Lorraine Smith, counsel for respondent. Cause ordered submitted. McGuiness, J. left the bench.
- A083285 Miriam Christine Stark,
 v.
 Sally Reed, as Director of
 Department of Motor Vehicles.
At this point, the court reconstituted itself to include Corrigan, J. and Parrilli, J. Each counsel confirmed waiving Justice Walker's presence. Cause called and argued by Casimir Arthur Wilson, counsel for appellant, and Deputy Attorney General Martin Holmes Goyette, counsel for respondent. Cause ordered submitted.

- A082319 Golden Gateway Center,
v.
Golden Gateway Tenants Association.
Each counsel confirmed waiving Justice Walker's presence. Cause called and argued by Glenn Zwang, counsel for appellant, and Robert DeVries, counsel for respondent. Cause ordered submitted.
- A082195 The People,
v.
Nicholas DeArmond.
Each counsel confirmed waiving Justice Walker's presence. Cause called and argued by Roberta Simon, counsel for appellant, and Deputy Attorney General Clifford Thompson, counsel for respondent. Cause ordered submitted.
- A082082 Ravenswood City School District,
v.
Lawrence A. Siri, et al.
Each counsel confirmed waiving Justice Walker's presence. Cause called and argued by Paul McCloskey, counsel for appellants, and Peter Keup, counsel for respondent. Cause ordered submitted.
- A082641 The People,
v.
Alonso Oseguerra Mora.
Each counsel confirmed waiving Justice Walker's presence. Cause called and argued by Deputy Attorney General Mia Anna Mazza, counsel for appellant, and Theodore Walter Cassman, counsel for respondent. Cause ordered submitted.
- A083102 Richard L. Eby,
v.
J. Irvine Bingham.
Each counsel confirmed waiving Justice Walker's presence. Cause called and argued via teleconference by Randy Andrus, counsel for appellant, and Judith Edson, counsel for respondent. Cause ordered submitted.

Court Adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday July 2, 1999

DIVISION FIVE

A077578 -- Donna Grahm v. Exxon Corporation; Donna Grahm et al., v. Fluor Corporation et al.

The judgment of nonsuit is reversed. Costs to appellants. Haning, J. We concur: Jones, P.J., Peterson, P.J.* Retired Presiding Justice, Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution. (Not for Publication.)

A085214 -- Paul Hoffman, as Executor, et al., v. Kathleen Connell, as Controller.

The judgment is reversed. The trial court is ordered to enter a new judgment in favor of the executors. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday July 6, 1999

DIVISION TWO

A086996 -- Photofax Inc., v. The Superior Court of Napa County; Jon Watson, et al., R.P.I.

By the Court: The petition for writ of mandate/prohibition is denied. Kline, P.J.

A087448 -- Barbara J. Klein v. The Superior Court of San Francisco; Andrew Thai Aka Thanh Troung, R.P.I.

By the Court: The petition for writ of mandate/stay is denied. Kline, P.J.

A083829 -- The Beenah Group, Inc., et al., v. Tam II.

The order denying arbitration is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A082974 -- Virginia Martinez v. Pinnacle Management Company.

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

A077178 -- The People v. Raymond Henderson.

The judgment is affirmed. Parrilli, J. We concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

Tuesday July 6, 1999 (continued)

DIVISION FOUR

A082542 -- The People v. Larry Clifton White, Jr.

The judgment of conviction is affirmed. Poché, J. We concur: Hanlon, P.J., Sepulveda, J, (Not for Publication.)

DIVISION FIVE

A084215 -- The People v. Eric Lee Barber.

The judgment is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

A083944 -- Lawrence J. Less v. Arthur L. Foy Jr.

The trial court's order is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday July 7, 1999

DIVISION ONE

A082941 -- Redwood Business Park of Ukiah v. City of Ukiah.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J.
(Not for Publication.)

A084039 -- Manuel Chavez et al., v. Pacific Gas and Electric Company.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J.
(Not for Publication.)

A084699 -- Aida R. Hittig et al., v. Jack Smith et al.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J.
(Not for Publication.)

DIVISION TWO

**A082462 -- Shamim Haider Zaidi v. City of Berkeley Rent Stabilization Board,
David Sherman, R.P.I.**

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for
Publication.)

Wednesday July 7, 1999 (continued)

A085826 -- The People v. Timothy James Teal.

The judgment is affirmed. The trial court is directed to issue and forward a copy of the corrected abstract of judgment consistent with the holding of this court to the Department of Corrections. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A087464 -- In re Mark A Andrew Hall, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

A087346 -- In re Richard Leroy Allen, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

A087475 -- George A. McKray v. The Superior Court of San Francisco County; Robert Wright, et al., R.P.I.

By the Court: The petition for writ of mandate/prohibition is denied. Kline, P.J.

A087528 -- In re Michael Louis Overton, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied.

A084141 -- Howard G. Gray v. San Mateo County General Hospital et al.

We dismiss this appeal for failing to appeal from an appealable order. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A082354 -- In re Marriage of Arthue S. and Theresa F. Machado.

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A084107 -- The People v. Humberto Fernandez.

The judgment of conviction is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Wednesday July 7, 1999 (continued)

DIVISION THREE

A080570 -- The People v. Severin Yanwing Yu.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

A084571 -- Adreanen Darby et al., v. Foster Family Home and Small Family Home Insurance Fund.

Costs on appeal are awarded to appellants. Walker, J. We concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

A079691 -- The People v. Brendell Levi.

The judgment is modified as follows; under “3. Enhancements charged and found true for prior convictions or prior prison terms” delete “667.5(b)” and “S.” As modified the judgment is affirmed. The Clerk of the Alameda Superior Court is directed to prepare an amended abstract of judgment reflecting these modifications and to forward a certified copy of the amended abstract to the Department of Corrections. Poché, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Wednesday, July 7, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Reardon, J. and Sepulveda, J.; Channing Hoo, Deputy Clerk; Elizabeth Swanson, Bailiff.

- A079430 Southern Pacific Transportation Co.
 v.
 Santa Fe Pacific Pipelines, Inc. et al.
 Thomas M. Peterson argued for appellant/cross-respondent Southern. Neil
 M. Soltman argued for respondents/cross-appellants. Submitted.
- A082034 Mary R. Swann et al.
A083529 v.
 Frank B. Hall, III
 Mary R. Swann argued for appellants Swann et al. Robert Rosenberg
 argued for respondent. Submitted.
- A084259 In re Monterrio D., a minor.
 People
 v.
 Monterrio D.
 Charles Holzhauer argued for appellant Monterrio D. Mark Howell argued
 for respondent. Submitted.
- At this point, the court reconstituted itself to include Hanlon, P.J., Poche, J.
 and Reardon, J.
- A081629 Arthur Lawson et al.
A082055 v.
 Doris L. Gray
 Stuart A. Safine argued for litigant Lawson et al. Michele McGill argued
 for litigant Gray. Submitted.

The court recessed at 11:14 a.m.

Courtroom Minutes
Division 4
Wednesday July 7, 1999

Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Poche, J., Reardon, J., Jim Campbell, Deputy Clerk and CHP Officer Terry Tracy, Bailiff.

A084524 Yvonne C.,
 petitioner,
 v.
 Superior Court, Solano County,
 respondent,
 Solano County Dept. of Health & Social Services,
 real party in interest.

Cause called. Paula Hensley argued on behalf of petitioner, Yvonne C. Charles Wood, D.C.C., argued , by teleconference, on behalf of real party in interest. Cause submitted.

A083491 People,
 respondent,
 v.
 Barbara Jo Kinney,
 appellant.

Cause called. Scott Drexel, argued on behalf of appellant, Barbara Jo Kinney. Bridget Billeter, D.A.G., argued on behalf of respondent. Cause submitted.

A081944 In re Marriage of O'Connor.
 Juanita Sue O'Connor,
 appellant,
 v.
 Richard Kevin O'Connor,
 respondent.

Cause called. Richard Abbey argued on behalf of appellant, Juanita Sue O'Connor. Edwin Wilson argued on behalf of respondent. Cause Submitted.

A078429 People,
 respondent,
 v.
 Adelyn J. Lee,
 appellant.

Cause called. Eric Multhaup argued on behalf of appellant, Adelyn J. Lee Frances Dogan, D.A.G., argued on behalf of respondent. Cause Submitted.

The Court adjourned at 2:50 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday July 8, 1999

DIVISION TWO

A083723 -- Trader Joe's Company v. Progressive Campaigns et al.

The order granting the preliminary injunction is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J. (Certified for Publication.)

A083695 -- The People v. Heraclio Duenas.

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

A080713 -- Stephen S. Slauson v. Gary Rushford et al.

The judgment as to Slauson is affirmed. The judgment denying Sharon, Gary and Rushford attorney fees under Civil Code section 1717 is reversed and remanded for further proceedings consistent with this opinion. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

DIVISION THREE

A083589 -- The People v. Jose P.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

A081959 -- John J. Merola v. Homestake Mining Company.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

Thursday July 8, 1999 (continued)

DIVISION FOUR

A084524 -- Yvonne C., v. The Superior Court of Solano County; Solano County Health and Social Services Department, R.P.I.

The petition for extraordinary writ is denied on the merits. (See § 366.26, subd. (1); Cal. Rules of court, rule 39.1B(o).) Any stay previously issued in this matter is dissolved. Our decision is final as to this court immediately. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

A083990 -- The People v. Jerderrio Jerome Welch.

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

A083491 -- The People v. Barbara Jo Kinney.

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

A081499 -- The People v. Mark A. Colbert.

The judgment is affirmed. Hanlon, P.J. We concur: Poché J., Reardon, J. (Not for Publication.)

A080969 -- The People v. Ralph L. Lee, Jr. et al.

A085860 -- In re Carven Ray Evans, on Habeas Corpus.

The judgments of conviction are affirmed. The petition for writ of habeas corpus is denied. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday July 9, 1999

DIVISION ONE

A083081 -- Regina Birkner v. Pacific Gas and Electric Company.

The order granting a new trial is affirmed. Because we have affirmed the new trial order, we do not reach the issues raised in respondent's protective cross-appeal. The cross-appeal is, therefore, dismissed. Marchiano, J. We concur; Strankman, P.J., Stein, J. (Not for Publication.)

A083016 -- Lauren D. Beckman v. Georgia-Pacific Corp.

The judgment is affirmed. Marchiano, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

DIVISION THREE

A083624 -- The People v. William B. Lamotte.

The judgment is affirmed. Parrilli, J. We concur; McGuiness, P.J., Corrigan, J. (Not for Publication.)

A083102 -- Richard L. Eby v. J. Irvine Bingham.

The judgment and the fee order are affirmed. Eby shall recover his costs on appeal. Parrilli, J. We concur: Corrigan, Acting P.J., Walker, J. (Certified for Publication.)

July 9, 1999 (continued)

A083285 -- Miriam Christine Stark v. Sally Reed, as Director of Department of Motor Vehicles.

The judgment of the trial court is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

DIVISION FOUR

A081794 -- The People v. Enox Israel Castro et al.

For all the foregoing reasons, the judgments of conviction, including the sentences imposed, are affirmed as to both Castro and Martinez. Sepulveda, J. We Concur: Hanlon, P.J., Poché, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday July 12, 1999

DIVISION ONE

A084574 -- Andrew Barlow et al., v. Gray Davis as Governor, etc., et al.

Order Modifying Opinion; The Court: It is ordered that the opinion filed herein on June 11, 1999 and reported in Official Reports (72 Cal.App.4th 1258) be modified in the following particulars: (See Order.) There is no change in the judgment. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Certified for Publication.)

A082750 -- The People v. John F. Jablonski.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A082327 -- Wilson Stephens v. City and County of San Francisco et al.

The judgment is affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Monday, July 12, 1999

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Marchiano, J.; N. Millner, Deputy Clerk; and CHP Officer E. Swanson, Bailiff.

A080114/ Elizabeth DeArmond,
A084187 v.
Axis Consulting International Inc. et al.
Cause called and argued by Paige L. Wickland, counsel for appellant; and Stacey Leigh Pratt and Steve Turner, counsel for respondents. Cause ordered submitted.

At this point in the proceedings, Justice Stein left the bench and Justice Swager joined the bench.

A084648 Daniel J. Popovich,
v.
Unemployment Insurance Appeals Board.
Cause called and argued by Randal Barnum, counsel for appellant, and John Carl Porter, counsel for respondent. Cause ordered submitted.

A085551 Steven C. Dobbins,
v.
Michael J. Speckman.
Cause called and argued by Ross Madden, counsel for appellant, and Terry Anastassiou, counsel for respondent. Cause ordered submitted.

A082233 Arnold Gridley,
v.
Greene, Chauvel, Descalso & Tully.
Cause called and argued by Nikolai Tehin, counsel for appellant, and William Kronenberg, counsel for respondent. Cause ordered submitted.

A083546 In re the Marriage of Jory.

Ruth Jory,

v.

Allan Jory.

Cause called and argued by Michael Lunas, counsel for appellant, via teleconference, and Tibor Major, counsel for respondent, via teleconference. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Monday, July 12, 1999

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Swager, J.; B. Robbins, Deputy Clerk; and CHP Officer T. Tracy, Bailiff.

- A080961 The People,
 v.
 Rodney Lee Stewart.
Cause called and argued by Irma Castillo, counsel for appellant, and Thomas Brady, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A084087 The People,
 v.
 Stacey Delaine Anderson.
Cause called and argued by L. Richard Braucher, counsel for appellant, and Richard Rochman, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A082194 Matias Ixcal, et al.
 v.
 County of San Mateo.
Causes called and argued by Scott H.Z. Summer, counsel for appellants, via teleconference, and Terry Anastassiou, counsel for respondent. Cause ordered submitted.
- A082981 Willamette Industries, Inc.,
 v.
 State Board of Equalization, et al.
Cause called and argued by Lawrence Brookes, counsel for appellant, and Julian O. Standen, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A084389 Central Parking System of California, Inc., et al.
v.
Port of Oakland.
Cause called and argued by Henry Hewitt, counsel for appellants, and Mark
Intrieri, counsel for respondent. Cause ordered submitted.

Court recessed until Tuesday, July 13, 1999 at 9:00 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday July 13, 1999

DIVISION TWO

A083478 -- George Soehngen v. The County of Contra Costa.

The judgment is affirmed. Costs on appeal to respondent. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

A086082 -- Sonoma Greens Homeowners Association v. The Superior Court of Sonoma County; Oscar Camarillo, Jr. R.P.I.

By the Court: The petition for writ of mandate/prohibition is denied. Kline, P.J.

A087575 -- Loretta Wasacz v. Mark Wasacz.

The petition for writ of supersedeas/stay is denied. Haerle, Acting P.J.

A083931 -- The People v. Lawrence Alford Draut.

By the Court: The written opinion which was filed on June 15, 1999, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that it be published in the Official Reports. Haerle, Acting P.J.

A077990/A078075/A079414 -- City and County of San Francisco v. Ron Daley et al.

Appeal Nos. A077990 and A079414 are dismissed in their entirety, without reaching the merits, for lack of appellate jurisdiction. The portion of Appeal No. A078075 challenging the February 9, 1994, order dismissing Ron from the action and the September 29, 1994, denial of Ron's request to vacate the receivership is also dismissed, without reaching the merits, for lack of appellate jurisdiction. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Tuesday July13, 1999 (continued)

DIVISION THREE

A082641 -- The People v. Alonso Oseguerra Mora.

The order granting defendant's motion to withdraw his plea is affirmed. Parrilli, J.
We concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

DIVISION FOUR

In re Alexis E., a Person Coming Under the Juvenile Court Law.

The jurisdictional order is affirmed. The dispositional order is modified to stay the commitment for the conspiracy offense and that order, as so modified, is affirmed.
Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Tuesday, July 13, 1999

The Court reconvened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., and Marchiano, J.; N. Millner, Deputy Clerk; and CHP Officer E. Swanson, Bailiff.

Presiding Justice Strankman advised all counsel that Justice Stein was unavailable for oral argument. He informed counsel that Justice Stein has read all the briefs, conferenced the cases, and would have tapes from oral argument. He then asked if counsel would stipulate to continue without Justice Stein. All counsel so stipulated.

A084932 Louis Jones,
v.
East Bay Municipal Utility District.
Cause called and argued by Daniel Siegel, counsel for appellant, and Robert G. Crow, counsel for respondent. Cause ordered submitted.

A084229/ In re the Marriage of Rueter.
A084712 K. Michele Large,
v.
Darren Rueter.
Cause called and argued by Gregory Ellis, counsel for appellant, and Darren Rueter, respondent in pro per. Cause ordered submitted.

A081440/ Patricia Holmes,
A081435 v.
Sandra Kruger Lerner, et al.
Cause called and argued by William Bates III, counsel for appellant/ respondent Holmes, and Frank Pitre, counsel for respondents/appellants Lerner, et al. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Tuesday, July 13, 1999

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Swager, Acting P.J., and Marchiano, J.; B. Robbins, Deputy Clerk; and CHP Officer T. Tracy, Bailiff.

Acting Presiding Justice Swager advised all counsel that Justice Stein was unavailable for oral argument. He informed counsel that Justice Stein has read all the briefs, conferenced the cases, and would have tapes from oral argument. He then asked if counsel would stipulate to continue without Justice Stein. All counsel so stipulated.

A082728 Alameda County Sheriff's Department,
v.
Alameda County Civil Service Commission;
Derek Pope.
Cause called and argued by Beth Aspedon, counsel for appellant, and Rockne Lucia, counsel for respondent Pope. Cause ordered submitted.

A082793 Billy Elliot,
v.
Kaiser Gypsum Company, Inc.
Cause called and argued by Claudia Martin, counsel for appellant, and William P. Buranich, counsel for respondent. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday July 14, 1999

DIVISION ONE

**A084856 -- In re Shemika C. & Trinity S., a Person Coming Under the
Juvenile Court Law.**

The order is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A085551 -- Steven C. Dobbins v. Michael J. Speckman, as Trustee.

The judgment is affirmed. Marchiano, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

**A082513 -- Heriberto Uriarte v. The United States Pipe and Foundry
Company.**

The judgment is reversed and the matter remanded to the trial court for further proceedings in accordance with this opinion. Each party to bear its own costs on appeal. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A081830 -- Tracey Hobson v. Raychem Corporation et al.

The Court: Good cause appearing, the unpublished opinion filed on June 25, 1999, is hereby certified for publication pursuant to rule 976(b)(1), of the California Rules of Court. Lambden, J. I concur: Kline, P.J., I dissent: Ruvolo, J.

Wednesday July 14, 1999 (continued)

A081155 -- The People v. Ralph A. Taylor.

For the foregoing reasons, the trial court's judgment is affirmed. Kline, P.J. Haerle, J., Lambden, J. (Not for Publication.)

A084305 -- In re Gerard H., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

A084048 -- Faith Douangmala et al. v. Caesar Chavez Elementary School et al.

The judgment is reversed. Appellants are awarded costs. Lambden J. I concur: Kline, P.J. See Dissenting Opinion of Haerle, J. (Not for Publication.)

DIVISION THREE

A082195 -- The People v. Nicholas Dearmond.

The judgment is affirmed. Parrilli, J. We concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

A082082 -- Ravenswood City School District v. Lawrence A. Siri et al.

The judgment (order denying litigation expenses) is affirmed. Costs to respondent. Parrilli, J. We concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

Wednesday July 14, 1999 (continued)

DIVISION FIVE

A085072 -- In re Christen M., a Person Coming Under the Juvenile Court Law.

The jurisdictional finding that appellant violated Penal Code section 135 is modified to provide the appellant committed an attempted violation of Penal Code section 135. In all other respects the judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

A084473 -- In re David T., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday July 15, 1999

DIVISION ONE

A084251 -- The People v. Jamal Deduhmas.

The order granting probation is modified to delete the order to pay probation costs and jail administration fees from the conditions of probation, making it simply an order entered at judgment. (See *People v. Hart*, *supra*, 65 Cal.App.4th at p. 907.) As so modified the judgment is affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A082661 -- The People v. Brendan Loftus.

The judgment with respect to counts V (rape in concert) and VII (rape) is reversed and the matter is remanded to the trial court with directions to hold a hearing under Evidence Code section 782, subdivision (a)(3), for the purposes discussed in this opinion. If, at the conclusion of the hearing, the court finds that the evidence appellant proposes to offer is relevant under Evidence Code section 780 and not inadmissible under Evidence Code section 352, it shall make an order granting appellant a new trial and stating what evidence may be introduced by the appellant and the nature of the questions it will permit. If it finds that the evidence either is not relevant under Evidence Code section 780 or is inadmissible under Evidence Code section 352, it shall reinstate the judgment. (See *People v. Bustamante*, *supra*, 30 Cal.3d at p. 103.) The judgment with respect to counts I (furnishing alcohol to persons under 21) and II (molesting a minor) is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A082241 -- Henry Grausz et al., v. H. Lee Evans et al.

Order modifying opinion, denying rehearing and denying request for publication; The Court: It is ordered that the opinion filed herein on June 17, 1999, be modified in the following particular: (SEE ORDER) There is no change in the judgment. The request for publication is denied. The petitions for rehearing are denied. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

Thursday July 15, 1999 (continued)

DIVISION FOUR

A081944 -- In re Marriage of Juanita Sue and Richard Kevin O'Conner.

The trial court did not abuse its discretion in deciding that Husband was the prevailing party under section 1717. Accordingly, the award of attorney fees and costs to Husband shall stand. We affirm the judgment. Reardon, J. We concur: Hanlon, J., Poché, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST COURT OF APPEAL

Friday July 16, 1999

DIVISION ONE

A080961 -- The People v. Rodney Lee Stewart.

The judgment is modified to reduce the Vehicle Code section 20001, subdivision (b)(2) conviction for hit-and-run driving resulting in death to the lesser included offense under Vehicle Code section 20001, subd. (b)(1). The case is remanded for resentencing. The judgment is otherwise affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A083546 -- In re Marriage of Ruth A. Jory and Allan B. Jory.

The orders are affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

A084648 -- Daniel J. Popovich v. California Unemployment Insurance Appeals Board.

The judgment is affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

A082194 -- Matias Ixcal, et al., v. County of San Mateo.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

Friday July 16, 1999 (continued)

DIVISION THREE

A081168 -- The People v. Michael Robert Amara.

A083626 -- In re Michael Robert Amara on Habeas Corpus.

Order Modifying Opinion (No Change in Judgment); By the Court: It is ordered that the opinion filed herein on June 24, 1999, be modified in the following particulars: (SEE ORDER): There is no change in the judgment. Corrigan, Acting P.J. (Not for Publication.)

A078786 -- The People v. Demareal James Turner.

Turner contends, and the People concede, that the street gang enhancement imposed under section 186.22, subdivision (b) must be stricken and replaced with a minimum parole eligibility date of 15 years. (*People v. Ortiz* (1997) 57 Cal.App.4th 480, 485-486.) We agree.

Accordingly, pursuant to section 1260, the abstract of judgment shall be modified to reflect a minimum parole eligibility date of 15 years. (See *Ortiz, supra*, 57 Cal.App.4th at p. 486.) In all other respects, the judgment is affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

A083444 -- In re Shanika G., a Person Coming Under the Juvenile Court Law.

The order terminating parental rights is affirmed. Reardon, J. Poché, Acting P.J., Sepulveda, J. (Not for Publication.)

A083929 -- The People v. Michael Robert Lapriore.

By the Court: The order revoking probation is affirmed. Hanlon, P.J. Poché, J., Reardon, J. (Not for Publication.)

Friday July 16, 1999 (continued)

DIVISION FIVE

A0879686 -- The People v. Tremain Lawrence Barker et al.

Rankin's conviction under Penal Code section 32 is reversed. The judgment is otherwise affirmed. The trial court shall prepare and forward to the Department of Corrections an amended abstract of judgment reflecting that Rankin has not been convicted of Penal Code section 32. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

A085019 -- In re Quinton P., a Person Coming Under the Juvenile Court Law.

The order adjudicating appellant a ward of the court pursuant to Welfare and Institutions Code section 602 and committing him to CYA is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday July 19, 1999

DIVISION ONE

A085801 -- East Bay Municipal Utility District et al., v. Hayward Kawasaki, Inc.

Accordingly, we affirm the judgment. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

A087650 -- In re Deborah Ann Ruelas, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

A087604 -- In re Sonny Ray Hardaway, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

A087614 -- David Harbans v. The Superior Court of Contra Costa County; The People of the State of California, R.P.I.

By the Court: The petition for writ of mandate is denied. Kline, P.J.

A087652 -- In re Stanley Goff, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Monday July 19, 1999 (continued)

DIVISION TWO

A082275 -- The People v. David Biagas.

For the foregoing reasons, the judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

A080817 -- G.A. "Skip" Moore v. James Griffin.

Order Modifying Opinion and Denying Rehearing; By the Court: It is ordered that the opinion filed herein on June 18, 1999 be modified as follows: (SEE ORDER); The petition for rehearing is denied. There is no change in the judgment. McGuinness, P.J.

A083703 -- The People v. Edward Dion Hendrix.

The judgment is affirmed. Parrilli, J. We concur: McGuinness, P.J., Walker, J. (Not for Publication.)

A081525 -- Franklin S. Chadwick et al., v. Loretta Caughran et al.

The defaults are vacated, the judgment is reversed, and the case is remanded to permit defendants to file amended answers. Each side will bear its own appeal costs. Parrilli, J. We concur: McGuinness, P.J., Walker, J. (Not for Publication.)

DIVISION FIVE

A083835 -- William Marquand et al., v. Joseph Costarella et al.

The judgment is reversed. Costs to appellants. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

Monday July 19, 1999 (continued)

A084186 -- In re Marriage of Jerry and Janice Sousa.

The orders appealed from are affirmed. Costs are awarded to respondent, and the matter is remanded for the purpose of determining respondent's entitlement to attorney fees for the appeal. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

A083274 -- In re the Marriage of Eva and Gordon Emberton.

The interlocutory judgment is affirmed, except as to the portion which denied Eva an award for dental repairs. As to that portion, we remand to the trial court for further hearing consistent with the thoughts expressed in this opinion. The parties are to bear their own costs. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday July 20, 1999

DIVISION ONE

A084932 -- Louis Jones v. East Bay Municipal Utility District.

The summary judgment is affirmed. Marchiano, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A084229/A084712 -- In re In re Marriage of K. Michelle Large and Darren Reuter.

The order modifying custody, and child support, and imposing sanctions is reversed, and the matter is remanded to the trial court for further proceedings in accordance with this opinion. Costs to appellant. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A080114 -- Elizabeth DeArmond v. Thrifty Rent-A-Car, a Corporation, et al.
A084187 -- Elizabeth DeArmond v Anderson Consulting, et al.**

The judgments are affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

DIVISION FOUR

A084259 -- In re Monterrio D., a Person Coming Under the Juvenile Court Law.

The order is affirmed. Hanlon, P.J. We concur: Reardon, J., Sepulveda, J (Not for Publication.)

Tuesday July 20, 1999 (continued)

A081423 -- The People v. Samuel E. Austin.

The judgment is modified to award 225 days total presentence custody credits, consisting of 151 actual days served and 74 days credit under section 4019. The trial court is directed to prepare an amended abstract of judgment reflecting this modification. In all other respects the judgment is affirmed. Sepulveda, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

A084834 -- Anthony Schriver v. D.A. Stuart, Ltd., et al.

The appeal is dismissed. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

A084165 -- Solano County Conflict Defender v. Civil Service Commission of Solano County; Dane Besneatte, R.P.I.

For all the foregoing reasons, the judgment of the trial court is reversed. Costs to appellant. Sepulveda, J. We concur: Poché, Acting, P.J., Reardon, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Tuesday, July 20, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuinness, P.J., Parrilli, J., Walker, J., and C. Turner, Deputy Clerk.

- A086253 County of Orange,
v.
Superior Court of San Francisco County,
Debbie Lynn Barrie,
Cause called and argued by S. Frank Harrell, counsel for petitioner, and
Gary R. Cloutier, counsel for real party in interest. Cause ordered
submitted.
- A083133 In re Olivia G.,
Social Services Agency,
v.
Olivia G.,
Cause called and argued by Julia Ten Eyck, counsel for appellant, and
Mark Estes, Deputy County Counsel, counsel for respondent. Jack Walker,
counsel for father, Jesus Anaya, waived argument and appearance and
joined in the argument of counsel Julia Ten Eyck. Cause ordered
submitted..
- A084237 Susan Camper,
v.
Nordstrom, Inc., et al.,
Cause called and argued by Georgia Ann Michell-Lang, counsel for
appellant and Michael J. Daley, counsel for respondent. Cause ordered
submitted.
- A083600 Berclain America Latina, S.A. DE C.V., et al.,
v.
Baan Company N.V., et al.,
Cause called and argued by Mark Jansen, counsel for appellant and Peter
Peishan Chen, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Tuesday, July 20, 1999

Court reconvened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuinness, P.J., Parrilli, J., Corrigan, J., and I. Calanoc, Deputy Clerk.

- A083125 Kevin Lucas,
 v.
 Gus Huntley Golson, et al.
 Cause called and argued by Frederick James, counsel for appellant, and
 Richard McGreevy, counsel for respondents. Cause ordered submitted.
- A083232 The People,
 v.
 Jesse Solestino Vallejo.
 Cause called and argued by Barry Karl, counsel for appellant, and Deputy
 Attorney General George Hindall, III, counsel for respondent. Cause
 ordered submitted. Parrilli, J. left the bench.
- A080019 Willard Tandberg,
 v.
 California Pacific Medical Center
 At this point, the court reconstituted itself to include Walker, J., Corrigan,
 J. and McGuinness, J. Cause called and argued by William Quackenbush,
 counsel for appellant, and Susan Handelman, counsel for respondent.
 Cause ordered submitted.
- A083765 Mary Lou Fasmer,
 v.
 P&S Sales, Inc., et al.
 Cause called and argued by Donald Ullrich, Jr., counsel for appellant, and
 Sean Miller, counsel for respondents. Cause ordered submitted.

A083509 Syufy Enterprises, et al.,

v.

Francis O. Scarpulla.

Cause called and partly argued by Ruel Walker, counsel for appellant.

McGuiness, J. informed both counsels that this case will be impacted by a decision the Supreme Court just recently passed; therefore, submission was deferred; cause continued to August 4, 1999. Counsels from both parties instructed to submit letter brief on or before July 27, 1999.

Court Adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday July 21, 1999

DIVISION ONE

A084087 -- The People v. Stacey Delaine Anderson.

The judgment is affirmed. Strankman, P.J. I concur: Stein, J. See Concurring Opinion of Swager, J.

A077922 -- The People v. Robert Lee MacShate et al.

Accordingly, the judgments are affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

A083677 -- The People v. Gregory Paul Furtado.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A086915 -- Antoinette A. v. Contra Costa County Superior Court; The People R.P.I.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal 4th 888 [precluding further challenge to the order by petitioner in any subsequent appeal].) Since the section 366.26 hearing is presently scheduled for August 11, 1999, our decision is immediately final as to this court. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Wednesday July 21, 1999 (continued)

A083024 -- Ann P. Whitney v. Michael N. Ami.

The appeal is dismissed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

A081221 -- Jack Palladino v. California Pacific Medical Center.

The judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting, P.J., Lambden, J. (Not for Publication.)

A079134 -- The People v. Michael Edward Tillman.

A083670 -- In re Michael Edward Tillman On Habeas Corpus.

The judgment is affirmed. the petition for writ of habeas corpus is denied. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Certified for Partial Publication.)

A084372 -- Julie Mazzamuto et al., v. Alice N. Bartle.

The first amended judgment is reversed in part and affirmed in part, and the case remanded for further proceedings consistent with this opinion. The parties are to bear their own costs on appeal. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

DIVISION THREE

A083512 -- C. William Hoilman, For the Benefit of Financial Services Exchange, Inc. v. Michael Portie et al.

The judgment (order quashing service of summons) is reversed. The trial court is directed to enter an order denying the motion to quash service of summons. Costs are awarded to plaintiff. Parrilli, J. We concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Wednesday July 21, 1999 (continued)

A083036 -- Teresa Chavez v. Mark A. Gunn, et al.

By the Court: Since this court's June 30, 1999 opinion does not meet the standard for publication as set forth in rule 976(b) of the California Rules of Court, the request for publication is denied. Pursuant to rule 978(a) of the California Rules of Court, the Clerk is directed to forward to the Clerk of the Supreme Court the request for publication, the opinion, and a copy of this order. McGuiness, P.J.

DIVISION FIVE

A083439 -- In re Karrelle B., a Person Coming Under the Juvenile Court Law.

The order is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

A085012 -- Melanie Stapper v. GMI Holdings, Inc.

We reverse the judgment. Appellant shall recover her costs on appeal. Jones, P.J. We concur: Haning, J., Stevens, J. (Certified for Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE

Wednesday, July 21, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Haning, J., Stevens, J.; and Stein, J. of Division One on assignment by order of The Chief Justice* and Richard H. Sandvik Deputy Clerk.

- A083310 The People
 v.
 Dennis Peron
Cause called and argued by J. David Nick, counsel for appellant, and by John A. Gordnier, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A082612 W. Chapot Construction Co.
 v.
 Trustees Of The California State University et al.
Cause called and argued by Deborah Kay Miller, counsel for appellant, counsel for respondent did not appear. Cause ordered submitted.
- A083794 Vincent Lamaestra et al.
 v.
 City and County of San Francisco
Cause called and argued by William Barry Balamuth, counsel for appellant, and by Michael C. Killelea, counsel for respondent. Cause ordered submitted.

A087330 Valerie J. Hagan et al.
v.
The Superior Court of Marin County
Suzanne Clark
Cause called and argued by Sharon Beth Futerman, counsel for petitioner.
Cause ordered submitted.

A080606 The People
 v.
 Marcus Harrison
Cause called and argued by Michael Satris, counsel for appellant, and by
John R. Vance, Jr., Deputy Attorney General, counsel for respondent.
Cause ordered submitted.

A083954 In re Starr W. a Person Coming Under the Juvenile Court Law.
 The People
 v.
 Starr W.
Cause called and argued by Valerie C. West, counsel for appellant, and by
Adrienne Laskey, Certified Law Student, for respondent. Cause ordered
submitted.

A082656 The People
 v.
 Vincent Keith Lesky
Cause called and argued by Deborah Lynn Tuttelman, counsel for
appellant, and by Pamela Critchfield, Deputy Attorney General, counsel for
respondent. Cause ordered submitted.

A083906 The People
 v.
 Julio Barraza Cordero
Cause called and argued by Miles A. Woodlief, counsel for appellant, and
by Richard Rochman, Deputy Attorney General, counsel for respondent.
Cause ordered submitted.

A084772 The People
 v.
 Marion Reynolds Stogner.
Cause called and argued by L. Richard Braucher, counsel for appellant, and
by Janet Gaard, Deputy Attorney General, via teleconference call, counsel
for respondent. Submission deferred.

Court adjourned at 11:30 a.m.

MINUTES

COURT OF APPEALS
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

THURSDAY JULY 22, 1999

DIVISION ONE

A084404 -- Marion Z. Bradley et al v. Moira Breen, as Personal Representative, etc. et al.

The judgment is affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Certified for Publication.)

A086048 -- The People v. Mark Richard White.

The judgment is affirmed. Marchiano, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A082793 -- Billy Elliott v. Kaiser Gypsum Company, Inc.

The judgment is affirmed. Costs are awarded to Kaiser Gypsum. Stein, Acting P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

DIVISION TWO

A085151 -- In re Delores D., a Person Coming Under the Juvenile Court Law

The order adjudicating appellant a ward of the court pursuant to Welfare and Institutions Code section 602 and placing her outside the home of her parents is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Thursday July 22, 1999 (continued)

DIVISION FOUR

A082034, A083529 .. Mary R. Swann et al, v. Frank B. Hall III.

In A082034 the appeal is dismissed. In A083529 the order of May 12, 1998, is affirmed. Hall's motion for sanctions for a frivolous appeal is denied. The instant appeal raised some legitimate issues. Costs are awarded to Hall. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

DIVISION FIVE

A082744 -- The People v. Daniel Earl Lynn.

The findings under section 1203.066, subdivision (a) (7), the First and Second counts, are ordered stricken. In all other respects, the judgment is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

A084756 -- The People v. Jose Contreras.

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

A077578 -- Donna Grahm v. Exxon Corporation; Donna Grahm v. Fluor Corporation et al.

Order Modifying Opinion and Denying Rehearing; By the Court: It is ordered that the opinion filed on July 2, 1999, is modified in the following particulars: The fourth paragraph of part IIIB, page 13 of the opinion, starting with the language "There is evidence that Fluor subcontractors . . ." is deleted and replaced with the following language (SEE ORDER): This modification does not effect a change in the judgment. The petition for rehearing is denied. Jones, P.J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

JULY 23, 1999

DIVISION TWO

A087733 -- Frances Cheney v. The Superior Court of Contra Costa County; Warren Nelson, R.P.I.

By the Court: Petitioner's request for immediate stay is denied. Kline, P.J.

A087535 -- Fry's Electronics, Inc., v. The Superior Court of Contra Costa County; Tom Johnson, R.P.I.

By the Court: The petition for writ of mandate is denied. Kline, P.J.

A087732 -- Vance W. Wharton v. The Superior Court of Alameda County; Lidia Wolny, R.P.I.

By the Court: The petition for writ of mandate is denied for failure to provide a record adequate to permit review of the challenged rulings, for failure to verify the petition, for failure to serve respondent superior court, and for failure to provide points and authorities. (See *Sherwood v. Superior Court* (1979) 24 Cal.3d 183, 186-187; Cal.Rules of Court, rule 56, subd. (a), (b), and (c).) Kline, P.J.

DIVISION THREE

A083232 -- The People v. Jesse Solestino Vallejo.

Appellant's conviction for receiving stolen property pursuant to Penal Code section 496, subdivision (a), is reversed. In all other respects, the judgment is affirmed. McGuinness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

July 23, 1999 (continued)

A083125 -- Kevin Lucas v. Carlisle Insurance Company et al.

This matter is remanded to the trial court for a hearing on the attorney fees to be paid by respondents to appellant. Those fees “may not exceed the amount attributable to the attorney’s efforts to obtain the rejected payment due on the insurance contract.” (*Brandt, supra*, 37 Cal.3d at p. 819.) In all other respects, the judgment is affirmed. Each party to bear his or their own costs of appeal. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A083133 -- In re Olivia G., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. McGuiness, P.J. We concur: Parrilli, J., Walker. (Not for Publication.)

A085949 -- The People v. Aniceto Tombocon Briones.

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J (Not for Publication.)

A080019 -- Willard Tandberg v. California Pacific Medical Center.

Reversed. Each party to bear its own costs on appeal. Walker, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A083624 -- The People v. William Bradley LaMotte.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

July 23, 1999 (continued)

DIVISION FOUR

A081629/A082055 -- Ernestine Lawson, as Executor, etc., v. Doris L. Gray.

We remand in order for the trial court to calculate interest at the rate provided by the note on the additional sums lent by Arthur. In all other respects the judgment is affirmed. In the interests of justice each party shall bear her own costs on appeal. (Cal. Rules of Court, rule 26(a).) Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

A081154 -- The People v. Eric Deshawn Johnson.

A082006 -- The People v. Leonard Jerome Stevenson.

The judgments are affirmed. Reardon, J. We concur: Poché, Acting P.J., Sepulveda, J. (Not for Publication.)

A085108 -- The People v. Felix Guiterrez Figueroa.

The judgment is affirmed. Sepulveda, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

A079428 -- Loreen J. Holt v. Regents of the University of California.

The judgment is reversed and remanded with directions to restructure the payment of the judgment in accordance with this opinion, unless appellant elects to pay the present value in a lump sum and obtain a satisfaction of judgment. The parties to bear their own costs on appeal. Haning, J. We concur: Jones, P.J., Stevens, J. (Certified for Partial Publication.)

A084147 -- The People v. Pedro Moya.

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

MONDAY JULY 26, 1999

DIVISION TWO

A083339 -- The People v. Luis Alonso Reyes.

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A084927 -- In re Christopher G., a Person Coming Under the Juvenile Court Law.

We have thoroughly reviewed the record and find no arguable issues. The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A084495 -- The People v. Leonard Cooks.

The judgment is affirmed. Haerle, Acting, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

A084237 -- Susan Ann Camper v. Nordstrom, Inc. et al.

The judgment is affirmed. Costs on appeal are awarded to defendants. Parrilli, J. We concur; McGuiness, P.J., Walker, J. (Not for Publication.)

A087194 -- In re CHRISTOPHER McG., a Person Coming Under the Juvenile Court Law.

The petition is denied. Parrilli, J. We concur: McGuiness, P.J., Walker, J. (Not for Publication.)

July 26, 1999 (continued)

A082319 -- Golden Gateway Center v. Golden Gateway Tenants Association.

The judgment is reversed. The matter is remanded to the trial court with instructions to issue an order enjoining the Association from leafletting in violation of the Golden Gateway Building Standards. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Certified for Publication.)

DIVISION FOUR

A083407 -- The People v. Carol Bogner.

The judgment is affirmed. Hanlon, P.J. We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday July 27, 1999

DIVISION ONE

A087071 -- In re Atheia R., et al., Persons Coming Under the Juvenile Court Law.

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 (Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, (1024.) The section 366.26 hearing is set for August 26, 1999. Therefore, our decision is final in this court immediately. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

A083698 -- The People v. William Thomas Belrade.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A080064/A081852 -- Timothy J. Linder v. The Doctors' Management Company, et al.

Order Modifying Opinion: By the Court: it is ordered that the opinion filed on March 15, 1999, be modified as follows: (SEE ORDER) There is no change in the judgment. Strankman, P.J.

Tuesday July 27, 1999 (continued)

A087088 -- Rachel R., v. Alameda County Superior Court; Alameda County Social Services, R.P.I.

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for August 13, 1999. Therefore, our decision is final in this court immediately. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

A083936 -- The People v. Harold Robert Masterson.

The case is remanded with directions to correct the abstract of judgment and clerk's minutes to show that appellant was convicted of assault with force likely to produce great bodily injury, and for the trial court to exercise its discretion in imposing the restitution fine. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A086124 -- The People v. Arthur Ellis Ibbotson.

The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A083218 -- The People v. German Hernandez.

The condition of probation requiring that appellant submit to drug and alcohol testing as requested is stricken. The condition of probation prohibiting appellant from entering any public place is modified to prohibit entry only to such public places that minors may not legally enter, with the condition ceasing when appellant turns 21. The portion of the condition of probation requiring that appellant abstain from consuming alcohol is modified to cease when appellant turns 21. The judgment is affirmed in all other respects. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

Tuesday July 27, 1999 (continued)

A077790 -- The People v. Albert Soria.

The convictions for the count 1 lesser offenses of simple assault and battery (§§ 240, 242) are reversed, and the sentence is modified as indicated in part VI, *infra*. We affirm the judgment as so modified and direct the superior court to order an amended abstract of judgment prepared and forwarded to the appropriate custodial authority. Lambden, J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

A082268 -- The People v. Zen Rival Bersamina.

The conviction under count one (§ 288) is reversed; the remainder of the judgment is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J. (Certified for Publication.)

DIVISION THREE

A083765 -- Mary Lou Fasmer v. P & S Sales, Inc., et al.

We affirm the granting of summary judgment for P & S. P & S to recover costs on appeal. Walker, J. We concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

A076611 -- The People v. Herman Adam Daniel Franck IV.

The judgment is affirmed. Corrigan, J. We concur: McGuinness, J., Walker, J. (Not for Publication.)

**A083600 -- Berclain America Latina, S.A. de C.V., et al.,
v. Baan Company N.V. et al.**

There is insufficient evidence in the record to support a finding that Baan had standing to seek dismissal based upon a contractual forum selection clause. The order dismissing the action is reversed. The matter is remanded for further proceedings. Appellants shall recover their costs on appeal. Walker, J. We concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

Tuesday July 27, 1999 (continued)

DIVISION FOUR

A078429 -- The People v. Adelyn J. Lee.

The judgment is affirmed. Hanlon, P.J. We concur: Poché J., Reardon, J. (Not for Publication.)

A083155 -- Sylvia Sisco et al., v. Daniel G. Lopez.

The judgment is reversed with directions to enter a new order denying defendant's motion for summary judgment, denying the motion for summary adjudication as to the second cause of action, and granting the motion for summary adjudication as to the third cause of action. Each side will bear its own costs on appeal. Sepulveda, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

DIVISION FIVE

A080606 -- The People v. Marcus Harrison.

The judgment of conviction is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

A087183 -- Stafford M., Sr., v. The Superior Court of Alameda County; Alameda County Social Services Agency, R.P.I.

The petition for extraordinary relief and request for a stay are denied on their merits. (Cal. Const., art. VI, § 14; rule 39.1B(o); *Kowis v. Howard* (1992) 3. Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the order setting a hearing under section 366.26. (§ 366.26, subd. (l).) Because the section 366.26 hearing is set for August 9, 1999, our decision is final as to this court immediately. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

Tuesday July 27, 1999 (continued)

A083649 -- Gary Pang et al., v. Jani-King of California, Inc., et al.

The judgment is affirmed. Costs to respondents. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

A083906 -- The People v. Julio Cordero.

The judgment is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, July 27, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Poche, J. and Sepulveda, J.; Jim Campbell, Deputy Clerk; Elizabeth Swanson, Bailiff.

A077561 Pan Asia Venture Capital Corp.
A079071 v.
The Hearst Corp. et al.
Jerome Falk argued for appellant, The Hearst Corporation et al. Jon Eisenberg argued for respondent. Submitted.

At this time, Poche, J. left the bench. Objection to Reardon, J.'s absence had been waived by all affected parties.

A082909 The People
v.
Gregory Wayne Lee
Robert Kane argued for appellant, Gregory Lee. Frances Dogan, D.A.G., argued for respondent. Submitted.

A083019 Reza Valiyee
v.
Department of Motor Vehicles, et al.
Malcolm Smith argued for appellant, Reza Valiyee. Fiel Tigno, D.A.G. argued for respondents. Submitted.

At this time, Hanlon, P.J. left the bench and Poche, J. returned as Actg. P.J. with Sepulveda, J.

A081972 Thomas C. Roscoe
v.
California Highway Patrol et al.
Patrick Fletcher argued for appellant, Thomas C. Roscoe. Victoria Wu argued for respondent. Submitted.

The court adjourned at 11:15 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

WEDNESDAY JULY 28, 1999

DIVISION ONE

A084254 -- The People v. Marcus Haynes Jefferson.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J.
(Not for Publication.)

A082981 -- Willamette Industries, Inc. v. State Board of Equalization et al.

Accordingly, the judgment is affirmed. Swager, J. We concur: Strankman, P.J.,
Stein, J. (Not for Publication.)

DIVISION TWO

A082539 -- The People v. Frederick Stills.

The judgment is affirmed. Kline, P.J. We concur; Lambden, J., Ruvolo, J. (Not
for Publication.)

A080861/A082543 -- Pareto partners, Ltd. v. Inktomi Corporation et al.

The judgments appealed from in Appeal No. A080861 and Appeal No. A082543
are affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

DIVISION THREE

A085069 -- In re Sergio N., a Person Coming Under the Juvenile Court Law.

There are no meritorious issues to be argued. The judgment is affirmed. Corrigan,
J. We concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Wednesday July 28, 1999 (continued)

A080978 -- Homebuilders Association of Northern California et al., v. City of Livermore; Livermore Valley Joint Unified School District, R.P.I.

The judgment is reversed in part and the matter remanded to the trial court for proceedings consistent with the views expressed in this opinion. As to the grant of the City's motion for summary judgment, the judgment is affirmed. Each party to bear its own costs. Corrigan, J. We concur: Phelan, P.J.*, Walker, J. (Not for Publication.)

*Retired Presiding Justice of the Court of Appeal, First District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A079934 -- In re the Marriage of Kimberlyn and Michael Weist.

The judgment is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

DIVISION FOUR

A086250 -- In re Steven W., a Person Coming Under the Juvenile Court Law.

The commitment order is affirmed. Poché, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Wednesday July 28, 1999 (continued)

DIVISION FIVE

A084178 -- In re Marcus G., a Person Coming Under the Juvenile Court Law.

The order dismissing the dependency petition is reversed, and the matter is remanded to the juvenile court with directions to determine whether the procedures set forth in section 241.1 were followed such that an assessment was made within the delinquency proceeding that wardship status, rather than dependency status, is appropriate for the minor. If the court determines that such an assessment was properly made within the delinquency proceeding, then the court shall reinstate its order dismissing the dependency petition. If, however, the court determines that no assessment was made in accordance with section 241.1, then the court shall direct the probation department and the welfare department to comply with the procedures of section 241.1, and the court shall determine whether the minor should be treated as a dependent child or a delinquent minor. Jones, P.J. We concur: Haning, P. J., Stevens, J. (Certified for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, July 28, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Haerle, Acting P. J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A083810 The People
 v.
 Walter Eduardo Elias
Cause called and argued by Jorge E. Portugal, counsel for appellant and Peter Sell, Certified Law Student, appearing on behalf of respondent. Cause ordered submitted.
- A084036 Anthony G. Sacco
 v.
 San Francisco Unified School District, et al.
Cause called and argued by Duane Reno, counsel for appellant and Lee Paterson, counsel for respondents. Cause ordered submitted.
- A084658 Russell Troup, et al.
 v.
 Ross Dodson, et al.
Cause called and argued by Terry Michael Ewing, counsel for appellants and Edward Fishman, counsel for respondents. Cause ordered submitted.
- A084058 Robert G. Perez, et al.
 v.
 Cree Edwards, et al.
Cause called and argued by Peter Brewer, counsel for appellants and Jan Chilton, counsel for respondents. Cause ordered submitted.

A085346 William H. Brown, Jr., et al.
v.
Franchise Tax Board
Cause called and argued by Terry Anastassiou, counsel for appellants and Julian O. Standen, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Haerle, J., Ruvolo, J. and S. Graham, Deputy Clerk.

Robert Louis Kennedy
v.
Marshall Construction Co.
Cause called and argued by Michael Nishiyama, counsel for appellant and Ann S. Mahoney, counsel for respondent. Cause ordered submitted.

A084230 George Straggas
v.
USX Corporation
Cause called and argued by Gilbert L. Purcell, counsel for appellant and David F. Beach, counsel for respondent. Cause ordered submitted.

A086238 Stuart Depper
v.
Superior Court, County of Alameda
The People
Cause called and argued by Barry L. Morris, counsel for petitioner and John T. Ketelsen, counsel for real party in interest. Cause ordered submitted.

A083885 Michael Quillian
v.
Crescent Jewelers, Inc.
Cause called and argued by Daniel Siegel, counsel for appellant and Kerin Guetersloh, counsel for respondent. Cause ordered submitted.

A084161q Eleanor Francis Cheney

v.

William Warren Nelson

William Cheney, et al.

Cause called and argued by Joseph M. Breall, counsel for appellants and Theodore Amado, counsel for respondent. Counsel for respondent granted 5 days to file a declaration, re: time spent correcting record on appeal.

Counsel for appellant granted 5 days thereafter in which to file a response, whereupon the cause will stand submitted.

A084730 Jack McLaughlin, et al.

v.

State Board of Education, et al.

Cause called and argued by Paul Reynaga, counsel for appellants and Laura Schulkind, counsel for respondents. Cause ordered submitted.

Court recessed until Thursday, July 29, 1999 at 9:30 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

THURSDAY JULY 29, 1999

DIVISION ONE

A082233 -- Arnold S. Gridley v. Greene, Chauvel, Descalo & Tully, a professional corporation.

The judgment on a directed verdict, having been treated by the parties as a judgment of nonsuit, is affirmed. Marchiano, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A082995 -- The People v. Lionel Dixon, Jr., et al.

Order modifying opinion and denying rehearing. (No change in judgment.) The Court: (SEE ORDER): There is no change in the judgment. The petition for rehearing is denied. Stein, Acting P.J.

A082728 -- Alameda County Sheriff's Department v. Alameda County Civil Service Commission; Derek Pope, R.P.I.

The judgment is affirmed. Costs to Pope. Stein, Acting P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

Thursday July 29, 1999 (continued)

DIVISION TWO

A083494 -- The People v. Refugio Leon Chavez.

The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

A083860 -- In re Derrick T., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Parrilli, J. We concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

A082145 -- The People v. Patrick Lynn Unangst.

The judgment is affirmed. McGuinness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A083830 -- Jane M. Songer v. Chuck Dake.

The judgment is reversed. Costs are awarded to appellant. Parrilli, J. We concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

A082048 -- The People v. Gilbert Briones.

The judgment is affirmed. McGuinness, P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

A082272 -- The People v. Marvin Pilc.

The judgment is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

Thursday July 29, 1999 (continued)

A080076 -- The People v. Jose Juan Garcia.

The judgment is affirmed. Parrilli, J. We concur: McGuiness, P.J., Corrigan, J.
(Certified for Partial Publication.)

A084571 -- Adreanen Darby, et al., v. The Foster Family Home and Small Family Home Insurance Fund.

By the Court: Since this court's July 7, 1999 opinion does not meet the standard for publication as set forth in rule 976(b) of the California Rules of Court, the request for publication is denied. pursuant to rule 978(a) of the California Rules of Court, the Clerk is directed to forward to the Clerk of the Supreme Court the request for publication, the opinion, and a copy of this order. McGuiness, P.J.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Thursday, July 29, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P.J., Haerle, J., Lambden, J., I. Santos, Deputy Clerk.

- A082343 The People,
 v.
 Elsa Paul Walters, III.,
 Cause called and argued by Mated Samara, counsel for appellant, and
 Christina Chuo, Deputy Attorney General, counsel for respondent. Cause
 ordered submitted.
- A083000 The People,
 v.
 Carlos Martinez.
 Cause called and argued by Renee Torres, counsel for appellant, and David
 Salmon, Deputy Attorney General, counsel for respondent. Cause ordered
 submitted.
- A079287 The People,
 v.
 Amado Frond Taylor.
 Cause called and argued by Renee Torres, counsel for appellant, and David
 Salmon, Deputy Attorney General, counsel for respondent. Cause ordered
 submitted.
- A082935 West Coast Contractors, Inc., et al.,
 v.
 City of Pineal Redevelopment Agency;
 Contra Costa County Building and Construction Trades Council.
 Cause called and argued by Theodore Franklin, counsel for appellant, and
 Paul Simpson, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Lambden, J., Ruvolo, J. and I. Santos, Deputy Clerk.

- A081057 The People,
 v.
 William Anderson Pone.
- A083237 In re William Anderson Pone on Habeas Corpus.
 Cause called and argued by Robert Bryzman, counsel for appellant, and
 Chris Wei, Deputy Attorney General, counsel for respondent. Cause
 ordered submitted.
- A084637 In re Janee J., a Minor.
 Contra Costa County Social Services Agency.
 v.
 Darlene G.
 Cause called and argued by Montgomery Frankel, counsel for appellant,
 and Valerie Ranche, Deputy County Counsel, counsel for respondent, via
 teleconference. Cause ordered submitted.
- A081327 Marin County Club,
 v.
 Bank of San Francisco et al.
 Cause called and argued by Marshall Krause, counsel for appellant, and
 Jennifer Lehman, counsel for respondent. Cause ordered submitted.
- A083084 Carol Ann Levine,
 v.
 Regents of the University of California et al.
 Cause called and argued by Randall Wiens, counsel for appellant, and Paul
 Fogel, counsel for respondents. Cause ordered submitted.

COURT ADJOURNED.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

FRIDAY JULY 30, 1999

DIVISION ONE

A083416 -- The People v. Iran Roger Poe.

The judgment is affirmed. Stein, Acting P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

DIVISION TWO

A087751 -- James Singh v. The Superior Court of Alameda County; Sharon Singh, et al., R.P.I.

By the Court: The petition for writ of mandate is denied. Kline, P.J.

A083499 -- The People v. Chris Evan West.

The two-year term for receiving stolen property shall be stayed under section 654. In all other respects, the judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A087803 -- West Bunnery & Donna Clavaud v. The Superior Court of Sonoma County; The People of the State of California, R.P.I.

By the Court: The petition for writ of mandate /stay is denied. Haerle, Acting P.J.

A083395 -- The People v. Robert Van Orden Butler.

A086494 -- In re Robert Van Orden Butler, on Habeas Corpus.

The judgment is affirmed. The petition for writ of habeas corpus is denied. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Friday July 30, 1999 (continued)

DIVISION THREE

A083102 -- Richard L. Eby v. J. Irvine Bingham.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

A086253 -- County of Orange v. The Superior Court for the County of San Francisco; Debbie Lynn Barrie, R.P.I.

We conclude the trial court erred as a matter of law and abused its discretion in denying petitioner's motion to transfer venue to Orange County. We grant the petition for writ of mandate and order the trial court to vacate its order denying transfer, and to enter a new order transferring venue to Orange County. Each party will bear its own costs on appeal. McGuiness, P.J. We concur: Parrilli, J., Walker, J. (Certified for Publication.)

A081807 -- The People v. Yvette Luke.

The judgment is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

A081491 & A084394 -- The People v. Herbert Gene Ervin; In re Herbert Gene Ervin on Habeas Corpus.

For the foregoing reasons, we reject each of defendant's appellate challenges to the verdict and deny the petition for habeas corpus. The judgment is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

Friday July 30. 1999 (continued)

DIVISION FOUR

A083566 -- In re Marcus W., a Person Coming Under the Juvenile Court Law.

The order appealed from shall be modified to (1) reduce the maximum period of confinement from 9 years, 4 months, to 9 years; and (2) to increase the allowance for predispositional confinement to 74 days. As so modified, the order is affirmed. Sepulveda, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

DIVISION FIVE

A087330 -- Valerie J. Hagan v. The Superior Court of Marin County; Suzanne Clark, R.P.I.

The order to show cause is discharged. The court will notify the parties by separate order of its disposition of Hagan's writ petition. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

A085214 -- Paul Hoffman, as Executor, et al., v. Kathleen Connell, as Controller etc.

BY THE COURT:

Good cause having been shown, the written opinion which was filed July 2, 1999, has now been certified for publication pursuant to Rule 976(b) of the California Rules of Court, and it is therefore ordered that it be published in the official reports. Jones, P.J.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Friday, July 30, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuinness, P.J., Parrilli, J., Walker, J., and C. Turner, Deputy Clerk.

A083297 Golden Gateway Center,
v.
San Francisco Residential Rent Stabilization and Arbitration Board.
Cause called and argued by Nancy Lenvin, counsel for appellant, and Amy
Akckerman, counsel for respondent. Cause ordered submitted.

A082890 Northeast Santa Rosa Environmental Alliance,
v.
City of Santa Rosa, et al.,
St. Francis Joint Venture, et al.,
Cause called and argued by Susan Lynne Brandt-Hawley, counsel for
appellant, René Auguste Chouteau, counsel for the City of Santa Rosa, and
Clayton Emerson Clement, counsel for St. Francis Joint Venture, et al.
Cause ordered submitted.
Justice McGuinness left the bench and Justice Corrigan took her place on the
bench.

A081807 The People,
 v.
 Yvette Luke,
Cause called and argued by Candace Hale, counsel for appellant, and
Deputy Attorney General, Margo Yu, counsel for respondent.
Cause ordered submitted.

A084394 In re: Herbert G. Ervin on H/C
court recessed until 1:30 p.m.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Friday, July 30, 1999

Court reconvened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuinness, P.J., Parrilli, J., Corrigan, J., and I. Calanoc, Deputy Clerk.

A082368 In re Jazzma W., a Person Coming Under
the Juvenile Court Law.

Social Services Agency,

v.

Michael W.

Oral argument by teleconference. Cause called and argued by Alan Roy Bergman, counsel for appellant, and Tamara Wiggins, counsel for respondent. Cause ordered submitted.

A082395 California State Automobile
Association Inter-Insurance Bureau,

v.

Richard Howland.

Cause called and argued by Joseph John Turri, counsel for appellant, and Frank E. Preston, counsel for respondent. Cause ordered submitted. McGuinness, J. left the bench at this point.

A084491 City of Rohnert Park,
 v.
 Paul D. Stutrud.
 The court reconstituted itself to include Walker, J., Corrigan, J. and Parrilli,
 J. Cause called and argued by John F. Hudson, counsel for appellant, and
 John D. Flitner, counsel for respondent. Cause ordered submitted.

A080556 The People,
 v.
 Alonzo D. Bey
 Oral argument by teleconference. Cause called and argued by Richard Jay
 Ingram, counsel for appellant, and Deputy Attorney General Christopher
 Wei, counsel for respondent. Cause ordered submitted.

Court Adjourned